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NOTICE OF ALLOWANCE AND FEE(S) DUE

23935 7590 07/22/2010

KOPPEL, PATRICK, HEYBL & DAWSON
2815 Townsgate Road
SUITE 215
Westlake Village, CA 91361-5827

EXAMINER

WEINSTEIN, LEONARD J

ART UNIT

PAPER NUMBER

3746

DATE MAILED: 07/22/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,038	01/22/2007	Philip Edward Robinson	830-21-008	3365

TITLE OF INVENTION: PUMP

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	10/22/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

23935 7590 07/22/2010

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 2815 Townsgate Road
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 Westlake Village, CA 91361-5827

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Philip Edward Robinson

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nonprovisional	YES	\$755	\$300	\$0	\$1055	10/22/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
WEINSTEIN, LEONARD J	3746	417-313000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 553 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 553 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/599,038

Examiner

LEONARD J. WEINSTEIN

Applicant(s)

ROBINSON, PHILIP EDWARD

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The amendment of July 1, 2010.
2. ☒ The allowed claim(s) is/are 2,3,5 and 6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Leonard J Weinstein/
Examiner, Art Unit 3746

/Devon C Kramer/
Supervisory Patent Examiner, Art Unit 3746

DETAILED ACTION

1. This office action is in response to the amendment of July 1, 2010.
2. The examiner acknowledges the amendments to claims 2, 5, and 6 and notes that claims 1 and 4 have been canceled.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jim Dawson on July 19, 2010.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- a. Claim 5
 - i. In the forth paragraph of the claim the limitations including:
 - “wherein the foot stand can be unfolded”will be amended to recite:
 - --- wherein the foldable foot stand can be unfolded ---
 - ii. In the sixth paragraph of the claim the limitations including:
 - “wherein the latching is achieved by means of inter-engaging projection and recess on the foot stand and first cylindrical member “wherein the foot stand can be unfolded”

will be amended to recite:

- --- wherein the latching is achieved by means of an inter-engaging projection and a recess on the foldable foot stand and the first cylindrical member ---

b. Claim 6

i. Currently the claim is indefinite because the limitation "in the form of a pump" is vague and indefinite. The limitation does not set forth a positive limitation defining the post. Therefore the limitations including:

- "the post being in the form of a pump according to claim 5"

will be amended to recite:

- --- the post being ~~in the form of a~~ the pump according to claim 5 ---

Allowable Subject Matter

4. Claims 2, 3, 5, and 6 are allowed.

5. The following is an examiner's statement of reasons for allowance: the prior art does not teach or suggest the limitations for a manually operated pump including two cylindrical members comprising a first cylindrical member and a second cylindrical member slidable in relation to each other such that one cylindrical member can slide within the other cylindrical member, wherein one end of the first cylindrical member is provided with a fitting to receive a saddle, said second cylindrical member is provided with a foot stand assembly which

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comprises a foldable foot stand and a retractable air hose, wherein the foot stand can be unfolded for use and can be folded away when no longer required, and wherein the retractable air hose is retractable back into a storage position within the pump, in a combination wherein:

- a. Two cylindrical members are latched together in a releasable manner and the latching is achieved by means of inter-engaging projection and recess on the foot stand and the first cylindrical member.
6. The inventive aspect of the instant invention derives from the feature of a foot stand assembly that includes an air hose that retracts in a stored position into first and second cylindrical members that define a pump, and a foldable foot stand that cooperates with the first cylindrical member to latch the two cylindrical members together, where the foot stand assembly is directly attached to the end of the second cylindrical member and the end of the first cylindrical member that does not cooperate with the foldable foot stand has a fitting to receive a saddle. Specifically the prior art does not teach a foot stand assembly that includes a retractable air hose and a foldable foot stand that latches together two cylinders that define a pump and house a retractable hose in its stored position.
 - a. The prior art of Alioto US 5,016,894 teaches a manually operated pump including two cylinders (18, 26) where one cylinder 18 that includes a fitting that receives a saddle, slides relative to another cylinder 26 that is attached to an air hose. Alioto does not teach an air hose that is stored within the pump defined by the two cylinders or a foldable foot stand

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assembly that provides an air hose or a foldable foot stand that cooperates with one of the cylinders to latch the two cylinders together.

b. The prior art of Alioto US 5,137,430 teaches a manually operated pump including two cylinders (18, 52) where one cylinder 18 includes a fitting that receives a saddle and slides relative another cylinder 52 that is attached to a retractable air hose 50 and a foot stand 70. The foot stand 70 includes a recess 74 to receive one end of the air hose but the air hose is not completely stored within the two cylinders defining a pump. Alioto '430 teaches two embodiments of foot stands (40, 70) but neither is foldable or includes one of a recess or inter-engaging member that serves to latch the two cylinders together by cooperating with the other of a recess or inter-engaging member provided on the cylinder that includes a fitting to receive a saddle.

c. The prior art of Stepner US 5,347,913 teaches a manually operated pump that includes a foot stand assembly 18 that includes a hose 34 and a foldable foot stand 32. The foldable foot stand of Stepner does latch together two cylinders (16, 20) that slide relative to each other to comprise the pumping mechanism for the manual pump.

d. The prior art of Ostrowiecki teaches a manually operated pump with two cylinders (72, 70; "primary cylinders") including a first cylinder 72 that slides relative to a second cylinder 70 that is attached to a foot stand assembly 75 that attaches to an air hose 6 (via 7c). Ostrowiecki refers to element 75 as "outlet;" as can be seen from figure 19A element 75 is and

assembly of several components including elements 75*t* and 75*e* which form a foldable foot stand (75*t*, 75*e*) and is therefore considered to be a foot stand assembly. The embodiment of figure 19A includes a latching assembly (760*i*, 760*e*) that latches a third cylinder 76*s* to the first cylinder 72.

The foot stand assembly 75 of Ostrowiecki does not provide a retractable air hose that is stored within the pump defined by first and second cylinders; rather the air hose 6 connects externally with a male connector 7*a* to female connector 7*c* that is in the foot stand assembly 75. The foldable foot stand (75*t*, 75*e*) of the foot stand assembly 75 does not include one of a recess or inter-engaging member that serves to latch the primary cylinders together by cooperating with the other of a recess or inter-engaging member provided on one of the primary cylinders.

The latching mechanism of Ostrowiecki that connects the first cylinder 72 to the third cylinder 76*s* is not incorporated with components of the foot stand assembly 75 or directly connected to it. Further the first cylinder 72 of Ostrowiecki does not include a fitting that receives a saddle. Ostrowiecki teaches a handle 71 that is attached to the first cylinder 72, turned 90° from a preferred operation position, and received by a cylinder 23 which is attached to a saddle 24. Even if the assembly of the handle 71 and cylinder 23 were broadly considered to be a fitting, Ostrowiecki does not teach the limitations for a foot stand assembly as claimed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD J. WEINSTEIN whose telephone number is (571)272-9961. The examiner can normally be reached on Monday - Thursday 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3746

/Devon C Kramer/
Supervisory Patent Examiner, Art
Unit 3746

/Leonard J Weinstein/
Examiner, Art Unit 3746